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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/703,792	HAYAKAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CHUONG T. HO	2619	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/10/07.
2. ☒ The allowed claim(s) is/are 3,4-5,9-11,13-14,15,17-20 renumbered 1-13 respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 2000-85744.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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**DETAILED ACTION**

1. The amendment filed 10/10/07 have been entered and made of record.

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Allen Wood on 10/29/07.

2. The application has been amended as follows:

**IN THE CLAIMS**

CLAIM 4, line 18, replace "deviation;, and " by ---deviation; and ----;

CLAIM 10, line 1, replace "A packet receiver in accordance with 9" with ---- A packet receiver in accordance with claim 9 -----;

CLAIM 10, lines 8-9, replace "on sound quality of sound to be reproduced in an auditory aspect, and discarding or decoding said packet in accordance with a result of an estimation" by --- on sound quality of sound to be reproduced in an auditory aspect ----.

***Allowable Subject Matter***

3. Claims 3-5,9-10,11,13-14, 15, 17-20 are allowed.
4. The following is an examiner's statement of reasons for allowance: the prior art (4607363, 4707831, 6253207, 7006435, 6442166) of record does not appear to teach or render obvious the claimed limitations in combination with the specific added

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limitations as recited from independent claim 3: "a read control circuit for causing, in response to said read command signal, the received packets to be read out of said packet memory circuit, wherein by using a standard deviation of said coded speech data that reflects a jitter distribution of the network and causes a receipt time of the communication packet to vary, said read start point setting circuit sets the read start threshold at a length of the queue that is three times to four times as great as said standard deviation; and a diminishment control circuit for setting, with respect to the length of the queue, a discard start threshold and a discard end threshold at which the received packets should begin to be discarded and should stop being discarded, respectively, designating, when the length of said queue exceeds said discard start threshold, a received packet to be read out as a candidate to be discarded, and discarding said packet designated as a candidate, wherein said discard end threshold is set to a value between said discard start threshold and said read start threshold, and different than either of said discard start threshold and said read start threshold, if said discard start threshold is greater than said read start threshold".

5. The following is an examiner's statement of reasons for allowance: the prior art (4607363, 4707831, 6253207, 7006435, 6442166) of record does not appear to teach or render obvious the claimed limitations in combination with the specific added limitations as recited from independent claim 4: "a read control circuit for causing, in response to said read command signal, the received packets to be read out of said packet memory circuit, wherein by using a standard deviation of said coded speech data that reflects a jitter distribution of the network and causes a receipt time of the

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communication packet to vary, said read start point setting circuit sets the read start threshold at a length of the queue that is three times to four times as great as said standard deviation; and a diminishment control circuit for setting, with respect to the length of the queue, a discard start threshold and a discard end threshold at which the received packets should begin to be discarded and should stop being discard, respectively, designating, when the length of said queue exceeds said discard start threshold, a received packet to be read out as a candidate to be discarded, estimating, based on sound / soundless information contained in said packet designated, and influence of said packet on quality of sound to be reproduced in an auditory aspect, and discarding or decoding said packet in accordance with a result of an estimation, wherein said discard end threshold is set to a value between said discard start threshold and said read start threshold, and different than either of said discard start threshold and said read start threshold, if said discard start threshold is greater than said read start threshold".

6. The following is an examiner's statement of reasons for allowance: the prior art (4607363, 4707831, 6253207, 7006435, 6442166) of record does not appear to teach or render obvious the claimed limitations in combination with the specific added limitations as recited from independent claim 9: "a read control circuit for causing, in response to said read command signal, the received packets to be read out of said packet memory circuit, wherein by using a standard deviation of said coded speech data that reflects a jitter distribution of the network and causes a receipt time of the communication packet to vary, said read start point setting circuit sets the read start

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threshold at a length of the queue that is three times to four times as great as said standard deviation; and wherein said discard end threshold is set to a value between said discard start threshold and said read start threshold, and different than either of said discard start threshold and said read start threshold, if said discard start threshold is greater than said read start threshold".

7. The following is an examiner's statement of reasons for allowance: the prior art (4607363, 4707831, 6253207, 7006435, 6442166) of record does not appear to teach or render obvious the claimed limitations in combination with the specific added limitations as recited from independent claim 15: "a first step of setting, before temporarily storing received packets including the communication packets to thereby form a queue, a read start threshold at which said received packets should begin to be read out for decoding the received packets and outputting decoded speech data, a discard start threshold at which said received packets should begin to be discarded, and a discard end threshold at which said received packets should end to be discarded with respect to a length of said queue, by using a standard deviation of said coded speech data that reflects a jitter distribution of the network and causes a receipt time of the communication packet to vary, said read start point setting circuit sets the read start threshold at a length of the queue that is three times to four times as great as said standard deviation; and wherein said discard end threshold is set to a value between said discard start threshold and said read start threshold, and different than either of said discard start threshold and said read start threshold, if said discard start threshold is greater than said read start threshold".

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571) 272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ORGAD EDAN can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/29/07

EDAN . . ORGAD  
SUPERVISORY PATENT EXAMINER

*Edan Orgad* 10/29/07